

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA FOR )  
THE USE AND BENEFIT OF )  
HAMMERHEAD DISTRIBUTION )  
INCORPORATED d/b/a MORRIS )  
GINSBERG COMPANY, )

Plaintiff, )

v. )

Civil Action No. 11-1160-SLR-SRF

SAFECO INSURANCE COMPANY OF )  
AMERICA, COMMONWEALTH )  
CONSTRUCTION CO., INC., BEST )  
INTERNATIONAL CONSTRUCTION )  
CO., INC. and KYU H. PARK, )

Defendants. )

**REPORT AND RECOMMENDATION**

At Wilmington this 3rd day of May, 2013, the undersigned Magistrate Judge having issued two Reports and Recommendations denying without prejudice the plaintiff's motions for default judgment as to remaining defendants Best International Construction Co., Inc. ("Best") (D.I. 38) and Kyu H. Park ("Park") (D.I. 39), due to the chapter 11 bankruptcy filings of Best and Park, and the court having entered orders adopting the undersigned Magistrate Judge's Reports and Recommendations (D.I. 40, 41), I recommend that the court administratively close the present action pursuant to Title 11 of the United States Code, Section 362, pending resolution of the bankruptcy proceedings, termination of the automatic stay, and to the extent such claims against each defendant have not been adjudicated and/or discharged in the bankruptcy proceedings. Furthermore, the plaintiff shall file status reports with the court every six months, and promptly notify the court when the case may be reopened and other appropriate action taken.

This Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b)(1), and D. Del. LR 72.1. The parties may serve and file specific written objections within fourteen (14) days after being served with a copy of this Report and Recommendation. Fed. R. Civ. P. 72(b). The failure of a party to object to legal conclusions may result in the loss of the right to de novo review in the district court. *See Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987); *Sincavage v. Barnhart*, 171 F. App'x 924, 925 n.1 (3d Cir. 2006).

The parties are directed to the Court's Standing Order In Non-Pro Se Matters For Objections Filed Under Fed. R. Civ. P. 72, dated November 16, 2009, a copy of which is available at <http://www.ded.uscourts.gov/court-info/local-rules-and-orders/general-orders>.

Dated: May 3, 2013

  
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Sherry R. Fallon  
UNITED STATES MAGISTRATE JUDGE